

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  TITONKA TELEPHONE COMPANY AND THE BURT TELEPHONE COMPANY	DOCKET NOS. SPU-03-9 WRU-03-24-495
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**ORDER APPROVING JOINT APPLICATION FOR DISCONTINUANCE OF  
SERVICE, AMENDING CERTIFICATE, AND GRANTING WAIVER**

(Issued June 20, 2003)

On May 23, 2003, Titonka Telephone Company (Titonka) and The Burt Telephone Company (Burt) filed with the Utilities Board (Board) a joint application to amend their certificates of public convenience and necessity to reflect changes to their service exchanges. Burt is the wholly-owned subsidiary of Titonka. Both Burt and Titonka are local telecommunications service providers in Iowa. No objection to the joint request has been filed.

In support of their request, Titonka and Burt state that since Titonka purchased Burt in 1984, the two companies have been operated together using the same personnel and equipment. Titonka's Board of Directors has determined that it would be in the best interest of both companies to dissolve Burt and operate as a single corporation. Burt has adopted articles of dissolution and has transferred all of its assets to Titonka.

Titonka and Burt request that Certificate No. 0021, issued to Burt on September 29, 1992, be terminated and Certificate No. 0130, issued to Titonka on September 29, 1992, be amended to include the service area originally served by Burt. Both Titonka and Burt have served proper notice upon all of Burt's customers informing them of the transfer of Burt's assets and customer base to Titonka and that there will not be a change in the rates, terms, and conditions of services provided to Burt's customers.

The Board will approve Titonka's and Burt's joint request to amend their certificates. An order canceling Burt's certificate (Certificate No. 0021) is being issued concurrently with this order and will become effective upon the withdrawal of Burt's existing tariff. An amendment to Titonka's certificate (Certificate No. 0130) to reflect the addition of the Burt, Iowa, exchange originally served by Burt is also being issued concurrently with this order and will become effective upon the approval of Titonka's amended tariff reflecting the incorporation of the Burt exchange formerly served under Burt's certificate.

Titonka and Burt have also requested the Board grant a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunication services. The waiver request was identified as Docket No. WRU-03-24-495.

To grant this waiver, the Board must find, based on clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria

are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by Burt and Titonka. The Board finds that it would be an undue hardship for Titonka to obtain individual authorization verifications for the change in service providers from Burt's many customers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of Burt's customers received notice of Titonka's acquisition of Burt's assets and customer base and will be afforded an opportunity to change providers if they choose to do so.

**IT IS THEREFORE ORDERED:**

1. The joint request filed by Titonka Telephone Company and The Burt Telephone Company on May 23, 2003, to amend their certificates of public convenience and necessity is approved.

2. An order canceling Certificate No. 0021, issued to The Burt Telephone Company on September 29, 1992, is being issued concurrently with this order and will become effective upon the withdrawal of its existing tariff.

3. An order amending Certificate No. 0130, issued to Titonka Telephone Company on September 29, 1992, reflecting the addition of the Burt, Iowa, exchange originally served by The Burt Telephone Company, is being issued concurrently with this order and will become effective upon the approval of Titonka Telephone Company's amended tariff reflecting the incorporation of the Burt, Iowa, exchange.

4. The joint request by Titonka Telephone Company and The Burt Telephone Company for a waiver of 199 IAC 22.23(2), the verification requirement for unauthorized changes in telecommunications service, is granted.

**UTILITIES BOARD**

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/s/ Mark O. Lambert

ATTEST:

/s/ Margaret Munson  
Executive Secretary, Deputy

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of June, 2003.